

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

TIMOTHY VAUGHN	§	
VS.	§	CIVIL ACTION NO. 1:14cv566
STATE OF TEXAS	§	

MEMORANDUM OPINION AND ORDER

Timothy Vaughn, an inmate confined at the Smith Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges his constitutional rights were violated as a result of a policy regarding shaving and the issuance of razors.

Discussion

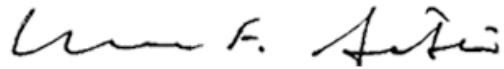
The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Plaintiff's claim arose at the Smith Unit, which is located in Dawson County, Texas. Pursuant to 28 U.S.C. § 124, Smith County is located in the Lubbock Division of the United States District Court for the Northern District of Texas. As a result, venue in the Eastern District of Texas is not proper.

When venue is not proper, the court “shall dismiss, or if it be in the interests of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). After considering the matter, the court is of the opinion that it would be in the interests of justice to transfer this case. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Lubbock Division of the United States District Court for the Northern District of Texas.

SIGNED this 20 day of November, 2014.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE